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IN THE
COURT OF APPEALS OF INDIANA

JAMES EVERIDGE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 35A02-0602-CR-504
	)	
STATE OF INDIANA,	)	
	)	
Appellee.	)	

APPEAL FROM THE HUNTINGTON CIRCUIT COURT
The Honorable Thomas M. Hakes, Judge Pro Tempore
Cause No. 35C01-0601-FC-1

April 11, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

SULLIVAN, Judge

Appellant, James Everidge, pleaded guilty to three counts of Forgery as Class C felonies, and the trial court subsequently sentenced Everidge to the advisory sentence of four years upon each count with the sentences to be served concurrently. Upon appeal, Everidge argues that his sentence is inappropriate in light of the nature of the offense and his character.

We affirm.

On December 10, 2005, while working at a casino party in Wells County, Everidge took a purse belonging to Heather Heckman (a.k.a. Heather Smeltzer). Inside the purse, Everidge found a Visa check card, which he used the following day, without Ms. Heckman's knowledge or permission, to make two purchases at the Huntington Wal-Mart in the amounts of $60.84 and $186.31. Everidge also used the check card to purchase sandwiches at Subway for $16.51. Each time Everidge used the debit card, he forged Heckman's name. At the time of these incidents, Everidge was on probation for two Class D felony theft convictions.

On January 5, 2006, the State charged Everidge with three counts of Class C felony forgery. On April 24, 2006, Everidge pleaded guilty to all three counts. Pursuant to the plea agreement with the State, the sentences were to be served concurrently, but the length of the sentence was left to the trial court's discretion. On May 15, 2006, the trial court sentenced Everidge to the advisory sentence of four years upon each count,[1] and,

[1] Indiana Code § 35-50-2-6 (Burns Code Ed. Supp. 2006) provides that "[a] person who commits a Class C felony shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years."

pursuant to the plea agreement, ordered the sentences to be served concurrently. Everidge filed his notice of appeal on June 6, 2006.

Upon appeal, Everidge asks this court to exercise our authority under Indiana Appellate Rule 7(B), pursuant to which we "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender." A defendant bears a heavy burden to prove that imposition of an advisory sentence is inappropriate. See Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

In arguing that his sentence is inappropriate, Everidge cites to two cases he believes are more serious than his in which the reviewing court found enhanced sentences to be inappropriate and thus ordered imposition of the presumptive sentence finding such to be appropriate in light of the nature of the offenses and character of the offenders.[2] Thus, Everidge argues that imposition of the four-year advisory sentence in his case, which he claims is a less severe case, is inappropriate. Upon review of the appropriateness of a sentence, however, we are not required to engage in a constitutional proportionality analysis by comparing the sentences of others convicted of similar crimes. See Trowbridge v. State, 717 N.E.2d 138, 150 (Ind. 1999) (applying manifestly unreasonable standard); Willoughby v. State, 660 N.E.2d 570, 584 (Ind. 1996) (applying manifestly unreasonable standard). Rather, we consider what the record reveals about the nature of the offense(s) committed and the character of the particular offender.

[2] See Hunter v. State, 854 N.E.2d 342 (Ind. 2006); Davis v. State, 851 N.E.2d 1264 (Ind. Ct. App. 2006), trans. denied.

First considering the nature of the offense, we note that the offenses at issue occurred over a short period of time and that the amount involved was minimal. Notwithstanding the short period of time, however, we note there were three separate and independent transactions, between each of which there was an opportunity for Everidge to reflect upon the illegality of his actions, and yet, Everidge continued with his course of conduct.

With regard to the Everidge's character, we acknowledge that Everidge provides child support for his two minor children and that the mother of those children submitted a letter to the court requesting that Everidge's sentence be amenable to Everidge's ability to maintain his financial support of his minor children. We further note that Everidge pleaded guilty and accepted responsibility for the crimes at issue. Such, however, does not necessarily speak highly of his character or warrant a reduced sentence because Everidge received a substantial benefit in return for his guilty plea. See Sensback v. State, 720 N.E.2d 1160, 1165 (Ind. 1999) (noting that a guilty plea is not entitled to significant mitigating weight where the defendant receives a substantial benefit from the plea). Indeed, the sentences for each offense were to run concurrently, thereby limiting the total maximum sentence, rather than a possible twenty-four years for three Class C felony offenses if the sentences were enhanced and to run consecutively.

Most telling of Everidge's character, however, is that at the time of the instant offenses, Everidge was on probation for two Class D felony theft offenses. For such offenses, Everidge was sentenced to a term of one and a half years with all but 180 days suspended and given one year of probation. Rather than take advantage of the second

chance he had been given by imposition of a lenient sentence, Everidge committed the instant offenses less than a year later.

Having considered what the record reveals about the nature of the offense and the character of the offender, we cannot say that imposition of the advisory sentence of four years was inappropriate.

The judgment of the trial court is affirmed.

SHARPNACK, J., and CRONE, J., concur.